

PATENT COOPERATION TREATY

From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

PCT

To:

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26 GEN. 2005

NOTIFICATION OF TRANSMITTAL OF THE INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Rule 71.1)

Date of mailing
(day/month/year)

24.01.2005

Applicant's or agent's file reference
Cal 87118

IMPORTANT NOTIFICATION

International application No.
PCT/EP 03/12826

International filing date (day/month/year)
13.11.2003

Priority date (day/month/year)
15.11.2002

Applicant
NUOVO PIGNONE S.P.A. et al.

1. The applicant is hereby notified that this International Preliminary Examining Authority transmits herewith the international preliminary examination report and its annexes, if any, established on the international application.
2. A copy of the report and its annexes, if any, is being transmitted to the International Bureau for communication to all the elected Offices.
3. Where required by any of the elected Offices, the International Bureau will prepare an English translation of the report (but not of any annexes) and will transmit such translation to those Offices.
4. **REMINDER**

The applicant must enter the national phase before each elected Office by performing certain acts (filing translations and paying national fees) within 30 months from the priority date (or later in some Offices) (Article 39(1)) (see also the reminder sent by the International Bureau with Form PCT/IB/301).

Where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary examination report. It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned.

For further details on the applicable time limits and requirements of the elected Offices, see Volume II of the PCT Applicant's Guide.

The applicant's attention is drawn to Article 33(5), which provides that the criteria of novelty, inventive step and industrial applicability described in Article 33(2) to (4) merely serve the purposes of international preliminary examination and that "any Contracting State may apply additional or different criteria for the purposes of deciding whether, in that State, the claimed inventions is patentable or not" (see also Article 27(5)). Such additional criteria may relate, for example, to exemptions from patentability, requirements for enabling disclosure, clarity and support for the claims.

Name and mailing address of the international
preliminary examining authority:



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PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT (PCT Article 36 and Rule 70)

Applicant's or agent's file reference Cal 87118		FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/PEA/416)	
International application No. PCT/EP 03/12826		International filing date (day/month/year) 13.11.2003	Priority date (day/month/year) 15.11.2002
International Patent Classification (IPC) or both national classification and IPC G01F25/00			
Applicant NUOVO PIGNONE S.P.A. et al.			
<p>1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 6 sheets, including this cover sheet.</p> <p><input type="checkbox"/> This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).</p> <p>These annexes consist of a total of sheets.</p>			
<p>3. This report contains indications relating to the following items:</p> <p>I <input checked="" type="checkbox"/> Basis of the opinion</p> <p>II <input type="checkbox"/> Priority</p> <p>III <input checked="" type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p>IV <input checked="" type="checkbox"/> Lack of unity of invention</p> <p>V <input checked="" type="checkbox"/> Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p>VI <input type="checkbox"/> Certain documents cited</p> <p>VII <input type="checkbox"/> Certain defects in the international application</p> <p>VIII <input type="checkbox"/> Certain observations on the international application</p>			
Date of submission of the demand 26.05.2004		Date of completion of this report 24.01.2005	
Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465		Authorized Officer Beker, H Telephone No. +49 89 2399-2596	



**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. PCT/EP 03/12826

I. Basis of the report

1. With regard to the elements of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17):*

Description, Pages

1-17 as originally filed

Claims, Numbers

1-11 as originally filed

Drawings, Sheets

1/5-5/5 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
- ☐ the claims, Nos.:
- ☐ the drawings, sheets:

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5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary:

III. Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

1. The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non-obvious), or to be industrially applicable have not been examined in respect of:

☐ the entire international application,

☒ claims Nos. 3-7,9-11

because:

☐ the said international application, or the said claims Nos. relate to the following subject matter which does not require an international preliminary examination (specify):

☐ the description, claims or drawings (*indicate particular elements below*) or said claims Nos. are so unclear that no meaningful opinion could be formed (*specify*):

☐ the claims, or said claims Nos. are so inadequately supported by the description that no meaningful opinion could be formed.

☒ no international search report has been established for the said claims Nos. 3-7,9-11

2. A meaningful international preliminary examination cannot be carried out due to the failure of the nucleotide and/or amino acid sequence listing to comply with the standard provided for in Annex C of the Administrative Instructions:

☐ the written form has not been furnished or does not comply with the Standard.

☐ the computer readable form has not been furnished or does not comply with the Standard.

IV. Lack of unity of invention

1. In response to the invitation to restrict or pay additional fees, the applicant has:

☐ restricted the claims.

☐ paid additional fees.

☐ paid additional fees under protest.

☒ neither restricted nor paid additional fees.

2. ☒ This Authority found that the requirement of unity of invention is not complied with and chose, according to Rule 68.1, not to invite the applicant to restrict or pay additional fees.

3. This Authority considers that the requirement of unity of invention in accordance with Rules 13.1, 13.2 and 13.3 is

☐ complied with.

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☐ not complied with for the following reasons:

4. Consequently, the following parts of the international application were the subject of international preliminary examination in establishing this report:

☐ all parts.

☒ the parts relating to claims Nos. 1,2,8 .

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	
	No: Claims	1,2,8
Inventive step (IS)	Yes: Claims	
	No: Claims	1,2,8
Industrial applicability (IA)	Yes: Claims	1,2,8
	No: Claims	

2. Citations and explanations

see separate sheet

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT - SEPARATE SHEET**

International application No. PCT/EP 03/12826

Reference is made to the following document/s/:

- D1: GB-A-2 342 453 (ABB INSTRUMENTATION LTD) 12 April 2000 (2000-04-12)
- D2: PATENT ABSTRACTS OF JAPAN vol. 1995, no. 01, 28 February 1995 (1995-02-28) & JP 06 300603 A (RICOH SEIKI CO LTD), 28 October 1994 (1994-10-28)
- D3: EP-A-0 736 484 (RYAN MICHAEL C) 9 October 1996 (1996-10-09)

1 Re Item III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

- 1.1 No such opinion can be established for the claims for which no search report has been established (Rule 66(2)(a)(vi) PCT).

2 Re Item IV Lack of unity of invention

- 2.1 The application lacks unity in the sense of Rule 13 PCT as the features common to all claims, i.e. those of claim 1 as published are known from D1 (see herein below) and cannot constitute the special technical features contributing to the state of the art.
- 2.2 Independent claim 8 and the dependent claims define diverging contributions as indicated in the ISR with no mutual common inventive concept.

3 Re Item V Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

- 3.1 The subject matter of claims 1,2,8 lacks novelty and hence an inventive step in the sense of Art. 33 PCT because the claimed subject matter is anticipated by in combination by at least one out of D1 or D3. References in (parentheses) refer to D1: in [brackets] to D3:
- 3.2 A control system of an electronic instrument
for metrological measurements (Fig. 1 and title)[Fig. 2 and 3] , comprising a computer(3)[Fig. 6 and 16 702] for local processing including handling a application of said instrument, (page 4 third paragraph)[col 4 line 30-45]
further comprising a control application for said handling application which can be associated with said local processing unit (page 4 lines 25-27, page 5 lines 15-20)[col. 4 line 30-45], said control application being suitable for generating a univocal metrological certification (page 11 lines 11-13)[col. 10 lines 52-56, "transponder identification code", lines 37-42, "unique identification code"] means for receiving at the start of the handling application information contained in said local unit referring to the handling application (8, 12, 13)[col. 10 lines 28-35], means processing said information by means of comparison (14) with prememorized information(2)[col 10 lines 37-42, lines 52-56]
- 3.3 D3 also discloses the features of claims 2 and 8 of the present application at [col. 4 lines 49-56 col. 5 lines 50-56, col. 14 first sentence, Fig. 18 col 26 lines 38-43]

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT - SEPARATE SHEET**

International application No. PCT/EP 03/12826

4 Reply Item VII Certain defects in the international application

- 4.1 Contrary to the requirements of Rule 5.1(a)(ii) PCT, the relevant background art disclosed in the documents D1-D3 is not mentioned in the description, nor are these documents identified therein.
- 4.2 Although claim 1 is drafted in the two-part form features are incorrectly placed in the characterising portion, as they are disclosed in document D3 in combination (Rule 6.3(b) PCT).
- 4.3 The features of the claims are not provided with reference signs placed in parentheses (Rule 6.2(b) PCT).